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JUN 13 1997

Federal Communications Commission  
Office of Secretary

June 13, 1997

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**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

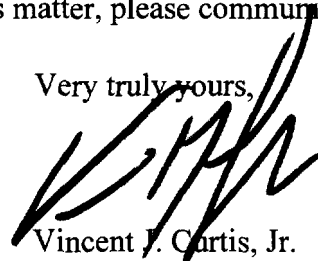
Re: Advanced Television Systems and Their Impact Upon the  
Existing Television Broadcast Service (MM Docket No. 87-268)

Dear Mr. Caton:

On behalf of Sainte Partners II, L.P., there is transmitted herewith an original and eleven (11) copies of their Petition for Reconsideration in the above-captioned proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Vincent J. Curtis, Jr.  
Counsel for Sainte Partners II, L.P.

VJC:mah  
Enclosures

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

Directed to: The Commission

**PETITION FOR RECONSIDERATION**

Comes now Sainte Partners II, L.P.<sup>1</sup> ("Sainte II"), by its attorneys, and respectfully submits its Petition for Reconsideration<sup>2</sup> of the above-captioned rule making. In support, the following is stated:

1. In the Commission's Sixth Report and Order (Sixth R&O), FCC 97-115, released April 21, 1997, Table 1 to Appendix B sets forth both the DTV channel to be allotted to existing television stations as well as the authorized power for such operations. In the case of Sainte II, the following was proposed:

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<sup>1</sup>Sainte Partners II, L.P. is the licensee of Stations KCVU(TV), Paradise and KNSO(TV), Merced, both California and is the sole stockholder of Sainte Sepulveda, Inc., the licensee of KBVU(TV), Eureka, California.

<sup>2</sup>This petition is timely filed within 30 days of the publication in the Federal Register of public notice of the Sixth Report and Order, 62 Fed. Reg. 26683 (May 14, 1997).

	<u>NSTC Channel</u>	<u>DTV Channel</u>	<u>DTV Power</u>
KBVU(TV)	29	28	50 kw
KNSO(TV)	51	32	357.6 kw
KCVU(TV)	30	31	160.1 kw

While Appendix B ostensibly had as its purpose a replication of service, the power limits allotted to Sainte II place its stations at a considerable disadvantage.

2. KBVU(TV), Eureka, California -- In the case of KBVU(TV), there are two separate reasons that the Commission should reconsider the power level of 50 kw that was allotted in Appendix B. The first deals with the adjacent assignment of DTV Channel 28 coupled with a DTV power of 50 kw. In Reconsideration Comments being filed by the Association for Maximum Service Television (MSTV) and other broadcasters commonly referred to as the Broadcast Coalition, as well as many other licensees, it has been demonstrated that there is a severe potential problem that this combined proposal (adjacency plus 50 kw power) presents. It is the opinion of those comments that this combination could obliterate the DTV signal.<sup>3</sup> This danger is lessened by an increase in the DTV power level.

3. Secondly, in determining the replication of KBVU(TV)'s current operation, the Commission totally ignored the pending application, filed in June of 1996, to improve the facilities of the station by, among other things, increasing the effective radiated power to 390.8 kw (BPCT-960628KZ). The delay in granting the modification obviously was caused by the ongoing DTV study. To penalize the KBVU(TV) DTV operation by authorizing a lesser current proposed power

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<sup>3</sup>Apparently this result could be achieved even if the yet-to-be-developed antenna combiner comes on the market.

level because of the failure to complete processing by the Commission is clearly unfair and beyond the control of Sainte II. Fairness argues that the Commission reconsider the KBVU(TV) power level and provide a replicated level corresponding to the pending modification application.

4. KCVU(TV), Paradise, California -- Again, in the case of KCVU(TV), the Commission, in allotting the DTV power level, ignored the pending application to modify the station's facilities to increase power to 5,000 kw (BPCT-960624KH). Here, the delay in processing the application is even more pronounced since it does not involve a site change. Again, it is totally unjust for Sainte II to be handicapped because of matters beyond its control, i.e., completion of processing of the modification application.

5. KNSO(TV), Merced, California -- This station faces the difficult task of not only operating as a UHF station, but from a site distant from the Fresno-Visalia market. Sainte II is familiar with the Reconsideration Comments being filed by Sinclair Broadcasting in which it demonstrates the need to provide sufficient DTV power level to protect UHF operations. Sainte II supports those comments and seeks maximum DTV power for its Merced operation.

6. As the Commission is well aware, it has, at the time these Reconsideration Comments are being prepared, not yet released OET Bulletin No. 69. Without that document, licensees are at a serious disadvantage in filing Reconsideration Comments by the required procedural deadlines. Sainte II proposes that the Commission provide liberal opportunities for it and other licensees to supplement their Reconsideration Comments once OET Bulletin No. 69 is released.

Conclusion

For the reasons set forth above, Sainte II respectfully requests that the Commission reconsider its Sixth R&O and provide increased DTV power levels for Stations KBVU(TV), KNSO(TV) and KCVU(TV) as specified herein.

Respectfully submitted,

SAINTE PARTNERS II, L.P.

By: 

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June 13, 1997